

The Honorable Tana Lin
United States District Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT A. BENSHOOF, et al.) No. 2:24-cv-00343-TL
Plaintiff,)
v.) SHORELINE AND KING COUNTY
CITY OF SHORELINE, et al.,) DEFENDANTS' OPPOSITION TO
Defendants.) SECOND MOTION FOR
) "JURISDICTIONAL DISCOVERY"
)
) Noted for November 21, 2024
)

On October 31, 2024, Plaintiff Kurt Benshoof filed a pleading captioned “2nd Amended Plaintiff’s Combined Reply To: A) Shoreline And King County Defendants’ Opposition To Emergency Motion to Stay B) Town & Country Markets, Inc. And Evan B. Fagan’s Defendants’ [sic] Emergency(2nd) Motion For Stay And Motion To Strike Esonse [sic] By Ann M. Summers And Motion For Jurisdictional Emergency Motion To Stay Discovery Under FRCP 26(B)(1).” Dkt. 73. Shoreline and King County Defendants responded to a substantially identical motion on November 1, 2024, and incorporate that response here. Dkt. 74. Benshoof’s motion and request for a hearing should be denied.

In addition, Benshoof's motion to strike the response of Shoreline and King County Defendants is frivolous. Benshoof's allegation that counsel's representation of Deputy Akers and Detective Thompson in their individual capacity is improper and a misappropriation of public

SHORELINE AND KING COUNTY DEFENDANTS'
OPPOSITION TO SECOND MOTION FOR "JURISDICTIONAL
DISCOVERY" [No. 3:24-cv-00343-TL] - 1

Leesa Manion (she/her)
Prosecuting Attorney
CIVIL DIVISION, Litigation Section
701 5th Avenue, Suite 600
Seattle, Washington 98104
(206) 477-1120 Fax (206) 296-0191

1 funds in violation of RCW 42.20.070 has no merit. “RCW 42.20.070 applies to public officers or
 2 employees who receive money on behalf or on account of the people of the state. On its face, the
 3 statute applies to money, not public resources.” *In re Recall of Weyrich*, 553 P.3d 1202, 1212
 4 (Wash. Aug. 29, 2024). Moreover, “the state has a legitimate interest in providing representation
 5 to its employees for suits arising out of the performance of their duties. It makes no difference
 6 whether the acts by the employees are allegedly legal or illegal because that question can never be
 7 resolved until the law suit is at an end.” *Wimberley v. Lynch*, 460 F.2d 316, 317 (9th Cir. 1972).
 8 Finally, it is clear that the waivers of service for Deputy Akers and Detective Thompson were not
 9 filed on May 30 to delay the answer 60 days, because the answer was filed on May 31. Dkts 21,
 10 22, and 23. The waivers of service were in compliance with FRCP 4(d) which imposes a duty on
 11 defendants to avoid unnecessary expenses of serving the summons.

12 *I certify that this Memorandum contains 321 words in compliance with Local Civil Rules.*

13 DATED this 1st day of November, 2024.

14 LEESA MANION (she/her)
 15 King County Prosecuting Attorney

16 By: 
 17 ANN SUMMERS, WSBA #21509
 18 Senior Deputy Prosecuting Attorney
 19 Attorneys for Shoreline & King County Defendants
 20 701 5th Avenue, Suite 600
 21 Seattle, WA 98104
 22 Phone: (206) 477-1120/Fax: (206) 296-0191
ann.summers@kingcounty.gov

1 **CERTIFICATE OF FILING AND SERVICE**

2 I hereby certify that on November 1, 2024, I electronically filed the foregoing document
3 with the Clerk of the Court using the CM/ECF E-filing system which will send automatic
4 notification to the following:

5 Kurt A. Benshoof
6 kurtbenshoof1@gmail.com
7 *Pro Se Plaintiff*

8 I also hereby certify that on November 1, 2024, I sent the same via US Postal Service to
the following:

9 Kurt A. Benshoof
10 B/A 2024-008067
11 King County Correctional Facility
12 500 Fifth Ave.
13 Seattle, WA 98104

14 I declare under penalty of perjury under the laws of the United States of America and the
15 State of Washington that the foregoing is true and correct.

16 DATED this 1st day of November, 2024.

17 
18 RAFAEL A. MUÑOZ-CINTRÓN
19 Paralegal I – Litigation Section
20 King County Prosecuting Attorney's Office